

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STACEY HILL,)	CASE NO.: 1:18CV1879
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
ANDREW SAUL,)	<u>OPINION AND ORDER</u>
<i>Comm’r of Soc. Sec.,</i>)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J.:

On May 30, 2019, the Court entered an Order remanding this matter to Defendant for further proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g). (Doc. 18). Plaintiff disagreed with the Court’s Order and asked the Court to reconsider. (Doc. 19). On July 5, 2019, Defendant filed a Response in Opposition (Doc. 21), to which Plaintiff filed a Reply (Doc. 22). After discussions between the parties, Defendant moved to withdraw his Opposition. (Doc. 25). Plaintiff did not oppose the withdrawal. Accordingly, Defendant’s Motion to Withdraw is **GRANTED.**

The parties have also filed a stipulation with this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case to the Commissioner for

further administrative proceedings. (Doc. 26). As the Stipulation remedies Plaintiff's harm, Plaintiff's Motion for Reconsideration is **DENIED** as **MOOT**.

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the parties stipulation remanding this action for further proceedings, this Court hereby **REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** to the Commissioner for further administrative proceedings.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993). In addition, the Commissioner shall reinstate Plaintiff's benefits at the level to which Plaintiff would have been entitled absent the agency's termination of Plaintiff's entitlement in 2017, pending the Commissioner's decision on remand and adjust any overpayment that the Social Security Administration has sought from Plaintiff until it proves through a valid hearing that Plaintiff is not entitled to benefits.

IT IS SO ORDERED.

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: August 19, 2019

¹ The Clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.